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APR 16 2001
GPI/8/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:

Drewe *et al.*

Appl. No. 09/705,840

Filed: November 6, 2000

For: **Substituted 4H-Chromene and
Analogs as Activators of Caspases
and Inducers of Apoptosis and the
Use Thereof**

Confirmation No.

Art Unit: 1625

Examiner: Robinson, B.

Atty. Docket: 1735.0410002/RWE/BEC

Reply To Requirement For Election Of Species

Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Office Action dated March 16, 2001, Applicants hereby provisionally elect the species 2-amino-3-cyano-4-(3-bromo-4,5-dimethoxyphenyl)-4H-indolo[4,5-b]pyran as the compound for examination. Claims 1-7, 9, 11-14, 16, 18, 21, 23, 25-28, 30, 32-47, 49-51, 53-54, 57-58, 60, 63-72 and 75-78 read on such species. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

Applicants assert the right to claim additional species in the event that a generic claim thereto is found to be allowable in accordance with 37 C.F.R. § 1.141(a). This election is made **without traverse**. Consideration and allowance of all pending claims, are respectfully requested.

It is believed that extensions of time are not required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036. A duplicate copy is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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Attorney for Applicants
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Date: April 16, 2001

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April 16, 2001

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APR 17 2001

Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1600/2900

Re: U.S. Utility Patent Application
Appl. No. 09/705,840; filed November 6, 2000
For: Substituted 4H-Chromene and Analogs as Activators of Caspases and
Inducers of Apoptosis and the Use Thereof
Inventors: Drewe *et al.*
Our Ref: 1735.0410002/RWE/BEC

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Reply To Requirement For Election Of Species (in duplicate);
2. Preliminary Amendment under 37 C.F.R. § 1.821(f);
3. Paper copy of the Sequence Listing to be appropriately placed in the captioned application;
4. The Sequence Listing in computer readable form (3½" diskette in ASCII);
5. Information Disclosure Statement (in duplicate);
6. Form PTO-1449 (9 sheets) and accompanying (34) references; and
7. Return postcard.

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Commissioner for Patents
April 16, 2001
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It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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Enclosures